

### **REMARKS**

By the present Amendment, claim 1-10 are cancelled and claims 11-27 are added. This leaves claims 11-27 pending in the application, with claim 11 being independent.

#### **Substitute Specification**

The specification is revised to eliminate grammatical and idiomatic errors in the originally presented specification. The number and nature of the changes made in the specification would render it difficult to consider the case and to arrange the papers for printing or copying. Thus, the substitute specification will facilitate processing of the application. The substitute specification includes no "new matter". Pursuant to M.P.E.P. § 608.01(q), voluntarily filed, substitute specifications under these circumstances should normally be accepted. A marked-up copy of the original specification is appended hereto.

#### **Rejections Under 35 U.S.C. § 112, Second Paragraph**

Original claims 1-10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. These claims have been rewritten to avoid each of the objections raised in the Office Action. All terminology is clear. The terminology alleged to be unclear is omitted or revised.

Accordingly, the pending claims are definite and comply with the requirements of 35 U.S.C. § 112.

### Rejections Under 35 U.S.C. § 103

Claim 11 covers a method for producing a flexible-shaped strip for securing a cushion covering to a cushion component formed of a foam material and provided with a longitudinal passage for engaging the shaped strip. The method comprises forming the shaped strip from plastic material, and providing a slip-preventer at least partially on an exterior periphery of the shaped strip. The slip-preventer is a soft plastic material.

By forming the method in this manner, the slip-preventer increases tear resistance of the shaped strip to resist an inadvertent removal of the shaped strip from the longitudinal passage in the cushion component.

Claims 1 and 6-9 stand rejected under 35 U.S.C. § 103 as being unpatentable over DE 19808995 to Schulte in view of EP 0157380 to Wolff and U.S. Patent No. 4,718,718 to Maruyama. The Schulte patent is cited for the basic arrangement of using a flexible strip to secure a cover to a foam seat cushion, with the strip being inserted into a longitudinal slit and having anti-slip means. The Wolff patent is cited for coating a plastic insert with a softer foam material which is allegedly disclosed in the Abstract as being locatable in a seat cushion. The Maruyama patent is cited for applying a rubber layer to the outside of a wire alleged to form a strip for securing a cover to a seat cushion. In support of the rejection, it is contended that it would be obvious to modify the Schulte device by coating the strip with a softer material as taught by the Wolff patent and then to make that material of rubber in view of the Maruyama patent. Relative to claim 6, the use of ultraviolet radiation is alleged to be obvious. Regarding claim 7, the Maruyama is cited for the rubber coating. Relative to claim 8, the specific location of the anti-slip material is alleged to be obvious.

The Schulte German patent is effective as a reference as of its May 20, 1999 publication date. To remove the Schulte patent as a reference against this application, submitted herewith is a Declaration under 37 C.F.R. § 1.131 swearing behind the Schulte publication date. Specifically, the inventor of this application declares that the invention recited in the claims of this application was completed in Germany, a WTO country, by successfully performing and successfully testing the claim method prior to May 20, 1999 as evidenced by Exhibits A-C attached to the Declaration. A translation of these Exhibits is also attached. These documents clearly disclose the provision of a anti-slip or skip-preventer coating on a shaped strip or profile. Since the German Schulte patent does not constitute prior art against this application, the rejection based on the Schulte patent is untenable and should be withdrawn. The Declaration Exhibits set forth adequate facts demonstrating an actual reduction to practice of the claimed method prior to the effective date of the Schulte German patent.

Additionally, claim 11 is patentably distinguishable over the Schulte German patent, the Wolff EP patent and the Maruyama patent since it would not be obvious to combine these patents in the manner proposed in the statement of the rejection. No motivation is provided in the cited patents to support adequately the modification of the Schulte German patent in view of the Wolff EP patent. Also, the modification in view of the Maruyama patent constitutes the modification of a modifying reference, a clear indication of non-obviousness.

The Wolff patent relates to a padded body for a vehicle, such as an armrest or dashboard, and does not relate to a profiled strip for attaching a cover to a recess in a foam cushion. The English language Abstract of the Wolff patent does not state that the Wolff insert is to be located in a seat cushion, as alleged in the Office Action. Since the Wolff patent relates to subject matter

non-analogous to that of the Schulte patent, one of ordinary skill in the art would not find it obvious to combine the Schulte and Wolff patents in the manner proposed in statement of the rejection.

Additionally, the Maruyama patent relates to a coated wire which is not directly engaged by the slit in the foam cushion. The Maruyama wire 15b with its rubber cover 15c is surrounded by pulling loop 15 such that the wire is separated from the foam of the seat cushion. Since the Maruyama rubber does not engage the foam directly, it is not analogous to the other cited patents and specifically does not provide the necessary teaching of the present claimed invention.

Accordingly, claim 11 is patentably distinguishable over the cited patents.

Claims 12-27, being dependent upon claim 11, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents. Specifically, the Shore hardness values specified in claims 12-14, the extrusion of claim 15, the coextrusion of claim 16, the hot coating method of claim 17, the spray method of claim 18, the dipping coating method of claim 20, the hardening of the coating of claims 20 and 21, the rubber of claim 22, the coating only of the undercut areas of claim 23, the profile of claim 24, the application of flakes in claim 25, and the application of clots in claim 26, and the softer slip preventer of claim 27, are not anticipated or rendered obvious by the cited patents, particularly within the overall claimed combinations.


Relative to the subject matters of claims 12-14, U.S. Patent No. 4,057,956 to Tolle is cited relative to the use of a coating having a Shore hardness of 60-70. However, the Tolle patent relates to a rubber covered cable for securing, lifting, towing or pulling objects. As such,

the Tolle patent is not analogous to the cited patents, as well as to the present claimed invention, and would not render the subject matter of claims 12-14 obvious.

Relative to the subject matters of claims 15-19 and 25-26, U.S. Patent No. 5,095,915 to Engleson is cited. The Engleson patent is cited for allegedly teaching the use of extrusion or dip coating. In support of the rejection, it is alleged to be obvious to use the Engleson methods to form the coating on the Schulte strip. The use of flakes is considered obvious. However, since the Engleson patent relates to a catheter guide wire, it relates to subject matter non-analogous to the other cited patents and to the present claimed invention. Thus, there is no suggestion or motivation to combine the subject matter of the Engleson patent with those of the other cited patents to demonstrate a prima facie case of obviousness relative to the relevant patent claims pending in this application.

Accordingly, claims 11-27 are allowable. Prompt and favorable action is solicited.

Respectfully submitted,

  
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